

**CITY COUNCIL MEETING
OCTOBER 19, 1994**

**RESPONSE FROM EASTSIDE IMPROVEMENT COMMITTEE REGARDING MR. COCHRAN
AND GRAFFITI ABATEMENT PROGRAM; SUGGESTION OF CODE ENFORCEMENT TEAM**

Virginia Snyder, Eastside Improvement Committee, responded that she did not meet with Council Member Davenport, because at the time of the request, he was going through a recall effort and the committee did not want to get involved. Further, she did not meet with Mr. Cochran regarding the Graffiti Abatement Program because the committee did not want to be put in the position of recommending any business to the City for the program.

Further, Ms. Snyder presented a proposal to create a Code Enforcement Team, made up of City staff, committee members, and representatives of the Immigration and Naturalization Service and San Joaquin County Health Service. This idea was discovered from the City of Pasadena (a copy of the proposal is on file in the City Clerk's office).

FILE NO. CC-2(s), CC-6, CC-13 AND CC-16

Require No Additional Staff

CODE ENFORCEMENT TEAM (Draft) *Key element to any*
code enforcement effort

1. Blight is a breeding ground for crime. It damages a child's self-esteem which may drive him or her to gang membership. Combating creeping blight, and enforcement of existing codes and ordinances must be a top priority for the City of Lodi.
2. Blight causes subtle but substantial economic loss to a community. Reduced property values, loss of revenue from fees and building permits, and loss of business licenses fees from illegally operated home businesses such as auto repair shops help weaken a city's financial position.
3. Affordable housing is one of the prime attractions for businesses planning to relocate. Lodi has an excellent building stock of affordable homes that do not attract buyers because they are located in a blighted, crime-ridden area. As the number of owner-occupied decreases, slum landlords purchase these properties and blight continues to spread. In addition to increased costs for police, fire and emergency services, the resulting loss in revenue from real estate sales escalates.
4. While ordinary citizens are discouraged from filing police complaints, a few Lodi addresses claim a disproportionate share of police, fire and emergency staff time. Once Lodi apartment complex registered sixty-six (66) police calls in four months. This is a direct result of indifferent property management by landlords. There are many such locations in Lodi. Property owners should be held liable.
5. A piece-meal approach to code enforcement squanders the efforts of city staff. Since at present, no one entity is held accountable, code enforcement in Lodi is ineffective and wasteful.
6. By better utilizing the talents of existing staff, a team approach to code enforcement will prevent fragmentation and "passing the buck" and lead to cost-effective code enforcement with no increase in city staff.
7. City employees who take steps to combat unsafe, unhealthy and unattractive conditions must be able to count upon the support of their supervisors and City Council. It is demoralizing and unproductive to have staff decisions countermanded at some higher level. This is a waste of time and effort.
8. Citizens are demanding effective code enforcement. Citizens have a right to expect their tax dollars are spent efficiently. A team approach to code enforcement is the key to a vision; a vision where there are no blighted neighborhoods in Lodi.

The mission of the Code Enforcement Team is as follows:

To direct the resources of City staff and the community toward eliminating or repairing the most severe cases of property neglect in the City of Lodi. To create a vision of healthy neighborhoods with more affordable housing, reduced crime and an environment inviting to new residents and businesses.

The major goal of the Code Enforcement Team is:

To complete and maintain a list of the Top Ten "problem" properties in the City of Lodi and eliminate one property from the list every week.

The Code Enforcement Team will consist of the following members:

1. Community Development Director- Jim Schroeder
2. Police Seargent Gary Benincasa
3. Fire Marshall, Bob Gorbet
4. Deputy City Attorney - John Luebberke
5. Assistant to the City Manager - Kirk Evans
6. Community Improvement Officer - Leland Schmiedt
7. Eastside Improvement Committee - Virginia Snyder
8. Immigration and Naturalization Service
9. San Joaquin County Health Services

*Suggested
Name
Number*

The team will meet on a weekly basis. Tuesday afternoons appear to be good - they don't conflict with "busy days" in the Police Department and management employees on the team are free at that time.

The first meeting should be devoted to introductions and compilation of the top ten list of problem properties. As properties are eliminated from this list, new ones will be added; the list will always have ten properties on it.

*We hope to meet with Reporter at Board 12/1/88
the next two weeks*

City of Pasadena C. R. A. S. H. CARD
City Resources Against Slum Housing

Location: _____

OWNER NAME (Last, First Middle) _____

Owner Phone _____

TENANT NAME (Last, First Middle) _____

Tenant Phone _____

BUILDING VIOLATIONS: ☐ 1. Roof Leak ☐ 2. Ceiling Sagging ☐ 3. Broken Windows
☐ 4. Entry Doors Broken ☐ 5. Chimney Structurally Unsound
☐ 6. Other _____

ELECTRICAL VIOLATIONS: ☐ 7. Exposed (bare) or Hanging Wires ☐ 8. Evidence of Electrical
Shortcircuiting or Open Outlet Boxes ☐ 9. Circuit or Outlet Overloaded
☐ 10. Other _____

HEATING VIOLATIONS: ☐ 11. Unvented Gas Heater ☐ 12. Evidence of Sooting (Heater not
venting properly ☐ 13. Other _____

PLUMBING VIOLATIONS: ☐ 14. Leaking Sewer Line/Trap ☐ 15. Clogged Drain(s)
☐ 16. Other _____

FIRE VIOLATIONS: ☐ 17. Combustible Material around Gas Fired Appliance
☐ 18. Smoke Detector(s) Missing...Inoperative...Not Visible (circle as needed)
☐ 19. Padlocked or Blocked Doors (circle as needed)
☐ 20. Other _____

CP0001

ENVIRONMENTAL/HEALTH/SANITATION VIOLATIONS: ☐ 21. Pool/SPA Stagnant Water
☐ 22. POOL/SPA Gates Don't Close AND/OR Latch (circle as needed)
☐ 23. Trash and Debris in House AND/OR Yard (circle as needed)
☐ 24. Inoperative Vehicle in Yard OR Driveway (circle as needed) ☐ 25. Car Parts in Yard
☐ 26. Evidence of Rats AND/OR Roaches (circle as needed) ☐ 27. Dwelling Lacks Hot Running Water
☐ 28. Water Heater appears to be malfunctioning
☐ 29. Other _____

Additional Comments: _____

Officer Name: _____

Officer ID _____

Officer Assignment: _____

Date: _____

Time: _____

The City of Pasadena



• City Resources Against Slum Housing •

*Exxon Cards. (enlarged)
Community Center, UUC, Library*

THE C.R.A.S.H. INSPECTION

In the event a certain geographical area has persistent slum-like problems, ordinary housing programs with single district inspectors may not solve the problem. Many cities have enacted Slum Task Forces to deal with such housing problems. C.R.A.S.H. is one of those task forces that has effectively developed to deal with the urban slum conditions.

The formation of the task force requires many things. First, the problem of slum conditions must be identified and accepted by the city leaders. Certain ordinances and regulations must be enacted to give the different city agencies to inspect, monitor and enforce the city's housing codes. Secondly, is to form an effective task force team that has one main goal in mind, eliminate slum conditions and effectively monitor properties after they have been inspected.

The lead agency will be the City Prosecutor who will coordinate with the different departments in order to have prosecutable housing cases if compliance is not achieved by the property owners. Next will be the teaming with Senior level inspectors from the Health Dept., Building Dept., Fire Dept. The Police Department will assist the inspectors in areas that are of high risk for crime and assault.

Once the CRASH Team has been selected, regular meetings must be conducted with all departments to coordinate the task force efforts. Additionally, this specialized task force team has developed an effective cost recovery system which all costs are imposed to the violating owners or managers. A sample cost recovery form is attached at the end of this document.

The inspection should be conducted in a quick and systematic way. Refer to the C.R.A.S.H. NOTICE OF VIOLATION. The inspectors should be able to quickly inspect each area of the apartment unit, note the violations and proceed to the next unit. The following items should be carefully inspected for housing code violations:

KITCHEN

1. Vermin (cockroaches & rodents).
2. Hot and cold water.
3. Plumbing fixtures.
4. Cabinets and counters.
5. Floors.
6. Walls and ceilings.
7. Exhaust vents.
8. Windows.
9. Water heater.
10. Electrical outlets and switches.

BATHROOM

1. Vermin.
2. Toilet.
3. Sink.
4. Tub or shower.
5. Floors.
6. Walls and ceilings.
7. Windows.
8. Mechanical vent and heater.
9. Electrical outlets and switches.

BEDROOM

1. Vermin.
2. Floors.
3. Walls and ceilings.
4. Windows.
5. Doors.
6. Electrical outlets and switches.
7. Properly operating smoke alarms.

LIVINGROOM AND HALLWAY

1. Vermin.
2. Floors.
3. Walls and ceilings.
4. Windows.
5. Heater.
6. Electrical outlets and switches.
7. Doors.

EXTERIOR INSPECTION

1. Walls.
2. Stairways and handrails.
3. Window screens.
4. Exterior plumbing.
5. Roof.
6. Garage or carport.
7. Lighting.
8. Refuse bins.
9. Yard maintenance.
10. Laundry room.
11. Swimming pool.
12. Check for fire code violations.

ADDRESS: _____ DATE: _____

OWNER/MGMT. CO.: _____

MAILING ADD: _____

BUILDING AND CODE ENFORCEMENT

Permits and Inspections

1. P.M.C. 14.12.320 Permit; separate for each building.
- Space and Occupancy Standards**
2. P.M.C. 14.12.390 Natural light and ventilation.
3. P.M.C. 14.12.400 Origin of light and ventilation.
4. P.M.C. 14.12.450 Mechanical ventilation.
5. P.M.C. 14.12.480 Kitchen.
6. P.M.C. 14.12.490 Plumbing fixtures.
7. P.M.C. 14.12.500 Water closet compartments.
8. P.M.C. 14.12.510 Room separation.
9. P.M.C. 14.12.520 Facilities installed and maintained.

Structural Requirements

10. P.M.C. 14.12.530 Construction and protection.

Mechanical Requirements

11. P.M.C. 14.12.540 Heating facilities.
12. P.M.C. 14.12.550 Electrical equipment.
13. P.M.C. 14.12.560 Ventilation and equipment.
14. P.M.C. 14.12.570 Exits or outside access.

Fire Protection

15. P.M.C. 14.12.580 Building code standard.

HEALTH, BUILDING AND CODE ENFORCEMENT

Substandard Buildings

16. P.M.C. 14.12.590 Buildings declared to be substandard.
- P.M.C. 14.12.600 Unsanitary conditions**
17. P.M.C. 14.12.600A Improper water closets, lavatory, tubs & showers in a dwelling.
18. P.M.C. 14.12.600B Improper water closets, lavatory, tubs & showers in a hotel.
19. P.M.C. 14.12.600C Improper kitchen sink.
20. P.M.C. 14.12.600D Lack of hot and cold running water in a hotel.
21. P.M.C. 14.12.600E Lack of hot and cold running water in a dwelling.
22. P.M.C. 14.12.600F Inadequate heating facilities.
23. P.M.C. 14.12.600G Lack of required ventilation equipment.
24. P.M.C. 14.12.600H Lack of natural light and ventilation.
25. P.M.C. 14.12.600I Room and space dimensions not to code.
26. P.M.C. 14.12.600J Lack of required electrical lighting.
27. P.M.C. 14.12.600K Dampness of habitable rooms.
28. P.M.C. 14.12.600L Insect, vermin or rodent infestation.
29. P.M.C. 14.12.600M General dilapidation or improper maintenance.
30. P.M.C. 14.12.600N Lack of connection to required sewage disposal system.
31. P.M.C. 14.12.600O Lack of adequate garbage and refuse disposal facilities.

P.M.C. 14.12.610 Structural hazards

32. P.M.C. 14.12.610A Deteriorated foundations.
33. P.M.C. 14.12.610B Defective flooring and supports.
34. P.M.C. 14.12.610C Flooring supports of insufficient size to carry load.
35. P.M.C. 14.12.610D Deteriorated walls, partitions or vertical supports.

36. P.M.C. 14.12.610E Walls, partitions or vertical supports insufficient size.
37. P.M.C. 14.12.610F Deteriorated roof and or ceilings.
38. P.M.C. 14.12.610G Roof and ceiling members of insufficient size.
39. P.M.C. 14.12.610H Deteriorated chimneys.
40. P.M.C. 14.12.610I Fireplaces or chimneys of insufficient size.
41. P.M.C. 14.12.620 Nuisances.
42. P.M.C. 14.12.630 Hazardous electrical wiring.
43. P.M.C. 14.12.640 Hazardous plumbing.
44. P.M.C. 14.12.650 Hazardous mechanical equipment.

P.M.C. 14.12.660 WEATHER PROTECTION

45. P.M.C. 14.12.660A Deteriorated plaster.
46. P.M.C. 14.12.660B Deteriorated walls, roof and foundation.
47. P.M.C. 14.12.660C Defective exterior weatherproofing of exterior wall covering, paint due to weathering.
48. P.M.C. 14.12.660D Broken, rotted, split or buckled exterior wall coverings or roof coverings.
49. P.M.C. 14.12.670 Fire hazard.
50. P.M.C. 14.12.680 Faulty construction materials.
51. P.M.C. 14.12.690 Hazardous or unsanitary premises.
52. P.M.C. 14.12.700 Inadequate maintenance of a building.
53. P.M.C. 14.12.710 Inadequate exits.
54. P.M.C. 14.12.720 Fire protection/fighting equipment.
55. P.M.C. 14.12.730 Improper occupancy.
56. P.M.C. 14.12.740 Security of vacant buildings.

P.M.C. 8.24 BUILDING SANITATION

57. P.M.C. 8.24.010 Health Officer authority to inspect.
58. P.M.C. 8.24.020 Vacated buildings shall be clean and sanitary.
59. P.M.C. 8.24.040 Vacated buildings shall be kept closed.
60. P.M.C. 8.24.050 Toilet rooms shall be maintained clean and sanitary.
61. P.M.C. 8.24.060 Plumbing fixtures not being maintained.
62. P.M.C. 8.24.070 Unsanitary or nuisance conditions prohibited.

PROPERTY MAINTENANCE ORDINANCE

63. P.M.C. 14.50.040 Declared unlawful and public nuisance property.
64. P.M.C. 14.50.040-1 Accumulation of debris visible from a public street.
65. P.M.C. 14.50.040-2 Clothes line visible from a public street.
66. P.M.C. 14.50.040-3 Unscreened trash can visible from a public street.
67. P.M.C. 14.50.040-4 Refuse containers left on street curb for more than 24 hours.
68. P.M.C. 14.50.040-5 Discarded furniture visible from a public street.
69. P.M.C. 14.50.040-6 Attractive nuisances dangerous to children.
70. P.M.C. 14.50.040-7 Hazardous private driveway or sidewalk.
71. P.M.C. 14.50.040-8 Overgrown vegetation harboring vermin.
72. P.M.C. 14.50.040-9 Hazardous, decaying or diseased trees.
73. P.M.C. 14.50.040-10 Vegetation obstructing an intersection or public access.
74. P.M.C. 14.50.040-11 Gross lack of maintenance visible from a public street.
75. P.M.C. 14.50.040-12 Graffiti on any building or fence.

ADDRESS: _____ DATE: _____

PROPERTY MAINTENANCE ORDINANCE - CONTINUED FROM PAGE 1

- 76. P.M.C. 14.50.040-13 Abandoned or partially destroyed buildings.
- 77. P.M.C. 14.50.040-14 Vacant property; fence, wall or vegetation kept unsightly for 30 days.
- 78. P.M.C. 14.50.040-15 Substantially deteriorated building affecting property values.
- 79. P.M.C. 14.50.040-16 Failure to secure all openings to a vacant structure.
- 80. P.M.C. 14.50.040-17 Building materials stored or accumulating for more than 60 days.
- 81. P.M.C. 14.50.040-18 Accumulation of debris at a doorway of a commercial building.
- 82. P.M.C. 14.50.040-19 Unused sign structure remaining more than 45 days.
- 83. P.M.C. 14.50.040-20 Sign structure maintained in a deteriorated state.
- 84. P.M.C. 14.50.040-21 Sign structures illegally erected or declared as a public hazard.
- 85. P.M.C. 14.50.040-22 Sign structures which later becomes nonconforming signs.
- 86. P.M.C. 14.50.040-23 Parking or storing nonoperational vehicles at a residence.
- 87. P.M.C. 14.50.040-24 Parking or storing commercial vehicles at a residence.
- 88. P.M.C. 14.50.040-25 Repair or dismantling of vehicles at a residence.
- 89. P.M.C. 14.50.040-26 Repair or dismantling of vehicles at a residence.
- 90. P.M.C. 14.50.040-27 Dangerous, unsanitary or unsightly condition.
- 91. P.M.C. 14.50.040-28 Recognized condition in law as a public nuisance.
- 92. P.M.C. 14.50.040-29 Vehicles; parked or stored.
- 93. P.M.C. 14.50.040-30 Inoperative vehicles; parked or stored.
- 94. P.M.C. 14.50.040-31 Parking vehicles on grass, dirt or landscaped areas of a house.
- 95. P.M.C. 14.50.050 Responsibility for property maintenance.
- 96. P.M.C. 14.50.050A Property owners required to maintain property.
- 97. P.M.C. 14.50.050A Occupants required to maintain property.

FIRE CODES

- 98. P.M.C. 14.04.145 Smoke detectors.
- 99. P.M.C. 14.25.030 Fire extinguisher systems.
- 100. P.M.C. 14.25.050 Certification of fire alarm system.
- 101. P.M.C. 14.25.130 Fire access roadways.
- 102. P.M.C. 14.28.020 Adoption of 91 Uniform Fire Code (U.F.C.).
- 103. P.M.C. 14.28.060 Fire alarm systems.
- 104. U.B.C. 1204 Emergency escapes (windows).
- 105. U.B.C. 3304C Illegal locks.
- 106. U.F.C. 10.505 Provide a working fire extinguisher.
- 107. U.F.C. 85.104 Abate electrical hazards.
- 108. U.F.C. 85.106 Electrical zip cords in place of hard wiring.
- 109. U.F.C. 85.107 Multiple electrical adapters.

The following Notice of Violation list the most important violations concerning life safety issues. You are directed to correct these violations immediately and contact City Prosecutor: _____ at (818) 405-4611 for reinspection dates, completed inspection reports and the City Prosecutor Administrative Meeting date. Failure to respond or to correct the violations of this notice will result in the filing and prosecution of criminal charges.

OWNER, MANAGER OR RESPONSIBLE PARTY

C.R.A.S.H. REPRESENTATIVE AND DEPARTMENT

C.R.A.S.H.

CITY RESOURCES AGAINST SLUM HOUSING
SLUM TASK FORCE

CITY OF PASADENA
THE CITY PROSECUTOR'S OFFICE
221 EAST WALNUT STREET
PASADENA, CA 91109
(818) 405-4611

ITEMIZED STATEMENT OF INVESTIGATIVE COSTS

TYPE OR PRINT LEGIBLY

DEPARTMENT: _____ DATE: ____/____/19__

PROPERTY ADDRESS: _____

PROPERTY OWNER: _____

MAILING ADDRESS: _____

MANAGER: _____ PHONE: (____) _____

DATE	DESCRIPTION OF ACTIVITY	TIME (Hours)

RATE @ Per/Hour: TOTAL HOURS

HOURLY TOTAL (Rate x Total Hours)

Photographic Evidence Processing Costs

____ Miles @ ____ cents/mile Mileage Costs

DOCUMENT PREPARED BY:

(SIGN) _____

PRINT NAME: _____

PHONE: (____) _____

TOTAL \$

Prosted Cost recovery Ordinance

*Property have prep for admin. Costs
educate judges - take them on inspection tour*

*Began 2/93
No delays or alterations*

CITY RESOURCES AGAINST SLUM HOUSING

FIGHTING THE SLUMLORDS: A CITY RESPONDS

Course Outline

- I. What is C.R.A.S.H.?
- II. How and Why C.R.A.S.H. works.
- III. Support programs
- IV. Law enforcement training
- V. Prosecution issues

*ire/police do emergency call-outs of inspectors. They have
check-off cards for code violations. "Crash Cards"*

*Crash team meets once a week. Notify police/fire of results
of Crash cards. Training provided for police/fire dept. using a
slide show. Enthusiastic response from PD/fire.*

*No additional funding - use each department's resources. Team usually
meets once weekly, per week. Time savings for PD, Code, fire personnel*

Change occupancy limits based on fire codes.

CITY RESOURCES AGAINST SLUM HOUSING

CITY OF PASADENA

The City of Pasadena created the C.R.A.S.H. team in February, 1993 to provide a coordinated, proactive and streamlined approach to the enforcement of code violations and slum conditions within the city.

The team is coordinated by the City Prosecutor's office and made up of senior inspectors from code enforcement, the health department, fire department and the police department. The team meets weekly and targets the worst habitability hazard properties within the city. Investigative and litigation resources are directed towards slum locations in order to provide a complete habitability profile with rehabilitation and abatement as the goals.

The operational plan for C.R.A.S.H. is to identify a target property and immediately conduct a property evaluation to determine if the location contains "severe and immediate code violations." Once this is determined, the qualifying properties are inspected by the C.R.A.S.H. team inspectors and a Notice of Violation is issued on site to the owner of the property. An owner meeting is set up within a week of the inspection with the owner and the team inspectors. The purpose of this meeting is to inform the owner of the violations and to notify the owner of the 30 day compliance date.

The property owner is given 30 days to bring the property up to code. A reinspection is conducted by the C.R.A.S.H. team on day 31. If the property is up to code, the location is put on a quarterly inspection schedule to assure that the violations do not recur. If the violations are not abated, a criminal complaint is filed against the property owner.

**CITY OF PASADENA
C.R.A.S.H. MISSION STATEMENT**

To direct and coordinate a proactive team made up of the core investigative code enforcement departments to target the worst habitability hazard locations within the city of Pasadena.

The citizens of Pasadena have a right to live in decent, habitable dwellings free from violations that jeopardize the life, safety and health of those citizens.

Landlords have a legal and moral responsibility to provide the citizens of Pasadena a safe, healthy and decent dwelling in which to live.

Pasadena C.R.A.S.H. will focus investigative and litigation resources on these slum locations. The Task Force will provide a complete habitability profile of these properties and focus proactive efforts on immediate rehabilitation and abatement.

CODE ENFORCEMENT

1. What is C.R.A.S.H.?

C.R.A.S.H. members include inspectors from the Fire, Health, and Neighborhood Services Departments, as well as Lt. Linsenmayer and Sgt. Mills of PPD. The purpose of C.R.A.S.H. is to provide a focused, streamlined method of inspecting, evaluating and cleaning up "problem properties" in the City. "Problem properties" are those which have numerous problems e.g. fire code violations, health code violation and frequent police contacts. Once inspected these properties are "fast-tracked" and given a 30 day period to make the corrections or face prosecution. A message is sent to landlords that maintaining slums won't be tolerated.

2. Isn't this a civil matter or what do I look like a building inspector?

Violations of building, fire and health codes are MISDEMEANORS under state and local law. These codes are only MINIMUM STANDARDS to protect health and safety, in other words, meeting these codes is the very least property owners have to do to protect the health and safety of the occupants. You don't have to look far to see the tragic consequences when property owners do not meet these minimum standards. (See attached articles - couple axiated in converted garage in El Monte, 3 year old girl burned to death in fire sparked by illegal wiring.)

3. Code enforcement is another tool to get the bad guys.

Frequently, problem properties are very familiar addresses to police officers (1559 N. Fair Oaks - Capri Motel). These are the trouble spots, gang hangouts, high narcotic trafficking locations. C.R.A.S.H. through proactive enforcement, puts pressure on the property owners to be responsible for cleaning up and maintaining their property. Slumlords don't care about the safety of their tenants or the surrounding community. They only care that the rent is paid. They also don't want to go to jail, pay fines, be on probation or pay a lawyer to defend them. The easiest way to avoid all of this is to clean up the property and get rid of tenants who are bringing the property to the attention of police. The result is that bad guys are forced to move and the property is monitored by C.R.A.S.H. to insure the problem does not recur.

PASADENA C.R.A.S.H. SUPPORT PROGRAMS
City Resources Against Slum Housing

In addition to evaluating and investigating target properties, C.R.A.S.H. has the following support programs:

Emergency Action Plan: Identifies C.R.A.S.H. members as the core investigative team in the event of an emergency involving code enforcement. The plan is coordinated with Police and Fire codes and is used to identify a command unit and get a situation under control. Once this is in place, a resource list is used to contact the affected city departments and outside agencies.

Vacant Building List: A list developed by C.R.A.S.H. of vacant buildings was given to the Police Department, read at roll call, and entered into the dispatch computer to notify patrol officers of the status of each location. This list is updated weekly.

Police Dispatch Notification: C.R.A.S.H. formulated a plan by which target properties and vacant buildings within city limits are flagged in the police dispatch computer. This provides vital information about a slum location to each patrol unit.

Police Training: C.R.A.S.H. has made code enforcement training of Police patrol officers a top priority. To fit within the ideals of community policing, C.R.A.S.H. believes in focusing efforts on cross-training street officers to recognize and act on potential code enforcement violations. Patrol officers have been given a checklist to help them quickly identify a potential problem location, note the possible violations and then refer the property to C.R.A.S.H. for follow-up.

Community Meetings and Awareness: Contact has been made with field representatives of each council district, as well as within the community through presentations at many neighborhood groups meetings.

Quarterly Reports: To keep other city departments apprised of C.R.A.S.H. efforts, a quarterly report on the status of each target property will be made.

Public Information: Public outreach efforts include flyers for distribution at community center and libraries, and an informational kit for the news media and other interested communities.

OFFICE OF THE CITY PROSECUTOR

CODE ENFORCEMENT FILING GUIDELINES

The following guidelines apply to all code enforcement cases submitted for filing consideration to the City Prosecutor's office. Each relevant document or evidentiary item must be attached to the report packet or the case will not be accepted for filing consideration.

All of the facts upon which a filing decision is based must be reported in written documents. Any oral representations must be reduced to writing and submitted as a supplemental report.

As described in greater detail in the Code Enforcement Inspector's Manual, evidence is defined as testimony, writings, material objects, photographs etc. It consists of anything offered to prove that the property owner committed a criminal violation. The stronger the evidence, the more likely it is that we will be able to sustain a criminal conviction.

A detailed description of necessary documentation is contained in the Inspector's Manual. Please refer to the Manual for precise requirements and specific guidelines. These guidelines are intended to be used as an outline as to what is required before the paperwork will be accepted.

The following must be submitted to the City Prosecutor before acceptance for filing consideration:

1. Investigative report. This report should consist of a summary of the investigation and all the Inspector's observations that are direct evidence of the criminal violation. This report should include the reason and date the investigation was initiated, an accurate date accounting of each inspection conducted and all investigative information necessary relevant to the charge requested.

2. Witness list. This list should contain the names, addresses and phone numbers of all necessary and corroborative witnesses to the violation. This list should also contain a brief summary of what each witness will testify to.

3. Photographs. One set of photographs should be submitted for each case. The lead agency should be responsible for clear, accurate photos that depict each specific violation alleged. There must be included a frontal view of the property and a clear view of the address. Each photograph should be clearly marked with a

description of what is depicted, the date taken and by whom. The photos should, ideally, be taken systematically through the location so as to present a clear presentation of the code violations. The photographs should be numbered and presented with a supplemental sheet explaining exactly what is depicted. If subsequent inspections are conducted and there has been a change in the condition of the property, supplemental photos should be taken and submitted with necessary documentation.

4. Ownership information. Certified copies of documentation indicating legal ownership of the property are required. This includes corporate information from the Secretary of State if the owner is a corporation. Also included should be certified copies of the deed to the property.

5. Relevant correspondence. Any correspondence between the property owner or agents and the city should be included in the filing materials.

6. Staff report and/or Notice of Violation. A copy of the staff report and/or all notices of violation issued to the property owner should be included.

7. Daily log. A copy of the inspector's log prepared in the course of the investigation must be included.

8. Cost recovery information. All information necessary in order to recover the costs should be included with the filing paperwork. This should be documented on a log that clearly identifies the work completed, time and location, hours spent, burden rate and department costs. Refer to the Inspector's Handbook for detailed instructions. A copy of the letter notifying the property owner of the cost recovery program should also be included.

9. Miscellaneous documentation. Any other necessary information relevant to the specific investigation should be included. Any drawings, videotapes, business records or administrative information that will assist in prosecution. A copy of an administrative warrant, if applicable, and any documentation from an administrative hearing should also be included.

10. Filing checklist. A copy of the filing checklist should be attached to every case submitted. Each item included in the packet should be checked off indicating its inclusion.

FILING CHECKLIST

LOCATION:

DATE:

INSPECTOR:

CHARGE:

___ Investigative report
___ Witness list
___ Photographs Total included _____
___ Ownership information
___ Correspondence
___ Staff report
___ Notice of violation
___ Daily log
___ Lost recovery list and notification letter
___ Other relevant documentation specify:

ADDRESS: _____ DATE: _____

OWNER/MGMT. CO.: _____

MAILING ADD: _____

BUILDING AND CODE ENFORCEMENT

Permits and Inspections

1. P.M.C. 14.12.320 Permit: separate for each building.
- Space and Occupancy Standards**
2. P.M.C. 14.12.390 Natural light and ventilation.
3. P.M.C. 14.12.400 Origin of light and ventilation.
4. P.M.C. 14.12.450 Mechanical ventilation.
5. P.M.C. 14.12.480 Kitchen.
6. P.M.C. 14.12.490 Plumbing fixtures.
7. P.M.C. 14.12.500 Water closet compartments.
8. P.M.C. 14.12.510 Room separation.
9. P.M.C. 14.12.520 Facilities installed and maintained.

Structural Requirements

10. P.M.C. 14.12.530 Construction and protection.

Mechanical Requirements

11. P.M.C. 14.12.540 Heating facilities.
12. P.M.C. 14.12.550 Electrical equipment.
13. P.M.C. 14.12.560 Ventilation and equipment.
14. P.M.C. 14.12.570 Exits or outside access.

Fire Protection

15. P.M.C. 14.12.580 Building code standard.

HEALTH, BUILDING AND CODE ENFORCEMENT

Substandard Buildings

16. P.M.C. 14.12.590 Buildings declared to be substandard.
- P.M.C. 14.12.600 Unsanitary conditions**
17. P.M.C. 14.12.600A Improper water closets, lavatory, tubs & showers in a dwelling.
18. P.M.C. 14.12.600B Improper water closets, lavatory, tubs & showers in a hotel.
19. P.M.C. 14.12.600C Improper kitchen sink.
20. P.M.C. 14.12.600D Lack of hot and cold running water in a hotel.
21. P.M.C. 14.12.600E Lack of hot and cold running water in a dwelling.
22. P.M.C. 14.12.600F Inadequate heating facilities.
23. P.M.C. 14.12.600G Lack of required ventilation equipment.
24. P.M.C. 14.12.600H Lack of natural light and ventilation.
25. P.M.C. 14.12.600I Room and space dimensions not to code.
26. P.M.C. 14.12.600J Lack of required electrical lighting.
27. P.M.C. 14.12.600K Dampness of habitable rooms.
28. P.M.C. 14.12.600L Insect, vermin or rodent infestation.
29. P.M.C. 14.12.600M General dilapidation or improper maintenance.
30. P.M.C. 14.12.600N Lack of connection to required sewage disposal system.
31. P.M.C. 14.12.600O Lack of adequate garbage and refuse disposal facilities.

P.M.C. 14.12.610 Structural hazards

32. P.M.C. 14.12.610A Deteriorated foundations.
33. P.M.C. 14.12.610B Defective flooring and supports.
34. P.M.C. 14.12.610C Flooring supports of insufficient size to carry load.
35. P.M.C. 14.12.610D Deteriorated walls, partitions or vertical supports.

36. P.M.C. 14.12.610E Walls, partitions or vertical supports insufficient size.
37. P.M.C. 14.12.610F Deteriorated roof and or ceilings.
38. P.M.C. 14.12.610G Roof and ceiling members of insufficient size.
39. P.M.C. 14.12.610H Deteriorated chimneys.
40. P.M.C. 14.12.610I Fireplaces or chimneys of insufficient size.
41. P.M.C. 14.12.620 Nuisances.
42. P.M.C. 14.12.630 Hazardous electrical wiring.
43. P.M.C. 14.12.640 Hazardous plumbing.
44. P.M.C. 14.12.650 Hazardous mechanical equipment.

P.M.C. 14.12.660 WEATHER PROTECTION

45. P.M.C. 14.12.660A Deteriorated plaster.
46. P.M.C. 14.12.660B Deteriorated walls, roof and foundation.
47. P.M.C. 14.12.660C Defective exterior weatherproofing of exterior wall covering, paint due to weathering.
48. P.M.C. 14.12.660D Broken, rotted, split or buckled exterior wall coverings or roof coverings.
49. P.M.C. 14.12.670 Fire hazard.
50. P.M.C. 14.12.680 Faulty construction materials.
51. P.M.C. 14.12.690 Hazardous or unsanitary premises.
52. P.M.C. 14.12.700 Inadequate maintenance of a building.
53. P.M.C. 14.12.710 Inadequate exits.
54. P.M.C. 14.12.720 Fire protection/fighting equipment.
55. P.M.C. 14.12.730 Improper occupancy.
56. P.M.C. 14.12.740 Security of vacant buildings.

P.M.C. 8.24 BUILDING SANITATION

57. P.M.C. 8.24.010 Health Officer authority to inspect.
58. P.M.C. 8.24.020 Vacated buildings shall be clean and sanitary.
59. P.M.C. 8.24.040 Vacated buildings shall be kept closed.
60. P.M.C. 8.24.050 Toilet rooms shall be maintained clean and sanitary.
61. P.M.C. 8.24.060 Plumbing fixtures not being maintained.
62. P.M.C. 8.24.070 Unsanitary or nuisance conditions prohibited.

PROPERTY MAINTENANCE ORDINANCE

63. P.M.C. 14.50.040 Declared unlawful and public nuisance property.
64. P.M.C. 14.50.040-1 Accumulation of debris visible from a public street.
65. P.M.C. 14.50.040-2 Clothes line visible from a public street.
66. P.M.C. 14.50.040-3 Unscreened trash can visible from a public street.
67. P.M.C. 14.50.040-4 Refuse containers left on street curb for more than 24 hours.
68. P.M.C. 14.50.040-5 Discarded furniture visible from a public street.
69. P.M.C. 14.50.040-6 Attractive nuisances dangerous to children.
70. P.M.C. 14.50.040-7 Hazardous private driveway or sidewalk.
71. P.M.C. 14.50.040-8 Overgrown vegetation harboring vermin.
72. P.M.C. 14.50.040-9 Hazardous, decaying or diseased trees.
73. P.M.C. 14.50.040-10 Vegetation obstructing an intersection or public access.
74. P.M.C. 14.50.040-11 Gross lack of maintenance visible from a public street.
75. P.M.C. 14.50.040-12 Graffiti on any building or fence.

Closed motel had seamy history

By Kevin Uhrich
Star Writer

PASADENA — Some residents of a working-class neighborhood near the Rose Bowl said Tuesday they were relieved city officials had closed a nearby motel that police said has long been the scene of drug dealing and prostitution.

"It's probably a good idea that they closed it up, at least until they can figure out a way to curtail some of the negative (room) traffic," said Willie Gibson Jr., a longtime resident of Howard Street.

Pasadena Fire Department inspectors said they closed the motel Monday after discovering alleged code violations related to fire sprinklers and heaters in the 32-unit complex at Howard Street and Lincoln Avenue.

Forty-nine people, including 31 children between ages 1 and 16, were evacuated from the structure and moved

into temporary quarters provided by the city at Robinson Park, officials said.

City Prosecutor Tracy Webb said Tuesday her office is reviewing dozens of alleged housing, health and fire code violations at the motel to determine whether the motel's owner, Ching Chen Tsai, 40, will be prosecuted in connection with the suspected violations.

Police said Tsai is not suspected of being involved in drug dealing or prostitution activities at the motel.

Tsai is in Taiwan and has not been available for comment. His son, James Tsai, was not at the motel Tuesday and managers at the motel were unable to arrange an interview with him.

On Monday, James Tsai said repairs on the structure will be made in an attempt to reopen for business. James Tsai said he was unaware of any problems with the building's fire sprinklers.

He said he knew heaters in some of the units were faulty and had supplied some of the tenants with floor heaters.

Pasadena police Lt. Wayne Hiltz said the Capri Motel has been notorious for illegal activity in recent years.

"I don't have any statistics. But over the years we have made tremendous numbers of arrests (there) for a variety of offenses, including prostitution, but they were primarily narcotics-related," Hiltz said.

Manager Jim Guo said Tuesday he could not control illegal activity by motel guests, who paid monthly rents ranging between \$350 and \$500 a month for one-room units.

"We can't tell someone what to do," Guo said. "A customer comes here and pays money for a room."

Asked about police reports of ongoing drug activity and prostitution at

See CAPRI/ Page 3

Capri

Continued from Page 1

the motel, Guo said. "We don't control that. We're trying to rebuild everything. That's all we're trying to do right now. I hope we can reopen."

City Housing Officer Dennis Mueller said 15 families have been identified among the motel's 49 residents.

Those people eventually will be placed in permanent homes by the city, the American Red Cross and the Fair Housing Council of the San Gabriel Valley, Mueller said.

The families will be allowed to stay at the Robinson Park gymnasium until today, she said.

"We will try to assist them in getting temporary shelter or motels, but it's a tough time to find motels because of the upcoming Rose Parade and Rose Bowl football game," she said.

If homes are not found for the families by today, they will be placed into temporary shelters at

three family shelters provided by Lutheran Social Services. If permanent homes are not found soon, city and Red Cross officials will be looking for other shelters inside Pasadena, Mueller said.

Lois Lynch, who lived directly across the street from the Capri Motel before moving last year to Rancho Cucamonga, said the motel should have been closed a long time ago.

"Just hope it doesn't reopen," said Lynch, 47, who still has family members living in the neighborhood.

Other residents in the area said they saw a consistent police presence at the motel but added that motel residents did not bother them.

The woman, who declined to be identified for fear of retaliation, said the motel's manager tried to keep it clean and free of litter.

He remembered a time last year when someone spray-painted "RUE" for sale on the motel's north wall. Management quickly painted over the message, she said.

STAR-NEWS
DEC 3 0 1992

The Drug Abatement Office is responsible for investigating complaints of drug trafficking at residential and commercial properties within the City of Stockton. Upon receipt of a complaint, the Abatement Officer initially investigates the validity of it and determines which category the complaint falls under:

- CODE ENFORCEMENT - Inspection of the property for SMC violations. The "Notice of Violation" is handled by a Community Development Department Code Enforcement Officer.
- INFORMAL ABATEMENT - Abatement of the problem property is resolved through telephone calls or personal contact with the property manager or owner.
- FORMAL ABATEMENT - Abatement of the problem property is accomplished by gathering statistical information regarding the nuisance activity/drug activity. A "Ten Day Warning Letter" is then sent to the property owner advising them of the problem and asking for their assistance in resolving the matter. If the property owner refuses to cooperate, a complete abatement package is compiled and the matter is referred to the City Attorney's Office.

In 1993, the Drug Abatement Office worked on over 230 properties within the City of Stockton. It should be noted that the majority of these problem properties were resolved at the informal level.

Possible Drug

March 21, 1994

Charles II & L. Dickey
15109 Hesperian Blvd.
San Leandro, California 95207

PROPERTY LOCATED AT 4416 CALANDRIA #2

This letter is to inform you of a possible drug problem at 4416 Calandria #2., Stockton, California.

My staff in the Special Investigations Section informs me they have received complaints regarding narcotics activity at the above property.

Health and Safety Code Section 11570 states a building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, and every building or place wherein or upon any of these acts take place, is a nuisance which shall be enjoined, abated and prevented.

Health and Safety Code Sections 11571, 11571.5, and 11573 provides for the issuance of an injunction to abate and prevent the continuance of the nuisance. Pursuant to Health and Safety Code Section 11581, upon court order, the building or place may be closed for a period of one year. In addition, the fixtures and furniture may be sold, and a civil penalty assessed.

I am requesting your assistance in correcting this problem. Please contact Officer Jim Tribble, Special Investigations Section, Stockton Police Department, 937-7220, within ten (10) days for additional information. In the event we do not hear from you within ten (10) days, we shall assume that you do not wish to assist us in this matter and we shall proceed accordingly.

EDWARD J. CHAVEZ
CHIEF OF POLICE

EJC:jt

Drug

February 4, 1994

Norm Bielbey
7914 Lan Ark #3
Stockton, CA 95210

PROPERTY LOCATED AT 325 FLORENCE ST.

This letter is to inform you of a drug problem at your property located at 325 Florence St., Stockton, California.

My staff in the Special Investigations Section informs me that on 12-15-93 a search warrant was served at your property and your tenant was arrested for sales of narcotics.

Health and Safety Code Section 11570 states a building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, and every building or place wherein or upon any of these acts take place, is a nuisance which shall be enjoined, abated and prevented.

Health and Safety Code Sections 11571, 11571.5, and 11573 provides for the issuance of an injunction to abate and prevent the continuance of the nuisance. Pursuant to Health and Safety Code Section 11581, upon court order, the building or place may be closed for a period of one year. In addition, the fixtures and furniture may be sold, and a civil penalty assessed.

I am requesting your assistance in correcting this problem. Please contact Officer Jim Tribble, Special Investigations Section, Stockton Police Department, 937-7220, within ten (10) days for additional information. In the event we do not hear from you within ten (10) days, we shall assume that you do not wish to assist us in this matter and we shall proceed accordingly.

EDWARD J. CHAVEZ
CHIEF OF POLICE

EJC:jt

Gang

October 8, 1993

Charles L. King
630 Jean
Modesto, California 95351

PROPERTY LOCATED AT 25 W. SEVENTH ST., STOCKTON, CA.

This letter is to inform you of a gang problem at your property located at 25 W. Seventh St., Stockton, Ca.

On 10-03-93, officers from the Stockton Police Department responded to 25 W. Seventh St. on a report of three persons shot. Officers arrived and found two persons had been killed and one seriously injured by gunshots.

Officers from the Stockton Police Department Gang Suppression Unit have advised me that your property has become a location that is being frequented by gang members and that this homicide is a direct result of gang activity.

Penal Code Section 186.22a states every building or place used by members of a criminal street gang for the purpose of the commission of a public offense punishable as a felony or a misdemeanor, and every building or place wherein or upon which that criminal conduct by gang members takes place, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

I am requesting your assistance in correcting this problem. Please contact Officer Paul Flynn, Special Investigations Section, Stockton Police Department, 944-8422, within ten (10) days for additional information. In the event we do not hear from you within ten (10) days, we shall assume that you do not wish to assist us in this matter and we shall proceed accordingly.

EDWARD J. CHAVIZ
CHIEF OF POLICE

EJC:pf

Prostitution

November 23, 1993

Naranbhai Patel
1925 N. Wilson Way
Stockton, California 95205

PROPERTY LOCATED AT 1925 N. WILSON WAY., STOCKTON, CA.

This letter is to inform you of a prostitution problem at your property located at 1925 N. Wilson Way., Stockton, Ca.

My staff in the Special Investigations Section informs me that on 11-16-93 officers from the Stockton Police Department arrested your manager, Buster Adams, for maintaining a house of prostitution.

Penal Code Section 11225 states a building or place used for the purpose of lewdness, assignation, or prostitution, and every building or place in or upon which acts of lewdness, assignation or prostitution, are held or occur, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

Health and Safety Code Section 11570 states a building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, and every building or place wherein or upon any of these acts take place, is a nuisance which shall be enjoined, abated and prevented.

Penal Code Section 11227 and Health and Safety Code Section 11571, 11571.5, and 11573 provides for the issuance of an injunction to abate and prevent the continuance of the nuisance. Pursuant to Health and Safety Code Section 11581, and Penal Code Section 11230, upon court order, the building or place may be closed for a period of one year. In addition, the fixtures and furniture may be sold, and a civil penalty assessed.

Naranbhai Patel
November 23, 1993
Page 2

I am requesting your assistance in correcting this problem. Please contact Officer Paul Flynn, Special Investigations Section, Stockton Police Department, 944-8422, within ten (10) days for additional information. In the event we do not hear from you within ten (10) days, we shall assume that you do not wish to assist us in this matter and we shall proceed accordingly.

EDWARD J. CHAVEZ
CHIEF OF POLICE

EJC:pf

Nuisance

December 23, 1993

Luteria Smith
236 Hull Ave.
Madera, California 93637

PROPERTY LOCATED AT 1534 SPRING ST., STOCKTON, CA.

This letter is to inform you of a problem at your property located at 1534 Spring St., Stockton, Ca.

On 11-18-93, officers from the Stockton Police Department responded to 1534 Spring St. after receiving a report of a large party at this location.

The officers who investigated the incident said there were about 200 to 250 people attending the party. Many of these people were standing in the street and in front of the residence. Officers at the location were met with resistance by those persons attending the party. Many of these persons shouted obscenities at the officers and refused to disperse.

Additional officers and a field supervisor were called to the location in order to disperse the crowd. Officers eventually contacted Cynthia Williams who stated she was responsible for the party. Initially, Cynthia Williams was uncooperative with the officers and she refused to end the party. When she did cooperate, the persons attending the party failed to comply with her request to disperse. As the crowd left, several gunshots were fired into the air by persons leaving the party.

I am requesting your assistance in correcting this problem. Please contact Officer Paul Flynn, Special Investigations Section, Stockton Police Department, 944-8422, within ten (10) days for additional information. In the event we do not hear from you within ten (10) days, we shall assume that you do not wish to assist us in this matter and we shall proceed accordingly.

EDWARD J. CHAVEZ
CHIEF OF POLICE

EJC:pf

(f) As used in this chapter, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (7), inclusive, of subdivision (c), which has a common name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(g) This section shall become operative on January 1, 1993.

(h) This section shall remain in effect only until January 1, 1997, and on that date is repealed, unless a later enacted statute which is enacted before January 1, 1997, deletes or extends that date. (Added by Stats.1989, c. 930, § 3.1, operative Jan. 1, 1993. Amended by Stats.1991, c. 201 (A.B.1135), § 1, operative Jan. 1, 1993; Stats.1991, c. 661 (A.B.1866), § 2, operative Jan. 1, 1993.)

Repeal

Section 186.22 is repealed Jan. 1, 1997, according to its own terms.

Section 125 of Stats.1989, c. 930, provided that this section shall become operative July 1, 1993.

Effect of amendment of section by two or more acts at the same session of the legislature, see Government Code § 9605.

Former § 186.22 was repealed by Stats.1991, c. 661 (A.B.1866), § 1, operative Jan. 1, 1991.

Cross References

Firearm possession during street gang crimes, sentence enhancement, see § 12021.5.

§ 186.22a. Buildings or places used by criminal street gangs as nuisances; confiscation of firearms or deadly or dangerous weapons owned or possessed by gang members

(a) Every building or place used by members of a criminal street gang for the purpose of the commission of the offenses listed in subdivision (c) of Section 186.22 or any offense involving dangerous or deadly weapons, burglary, or rape, and every building or place wherein or upon which that criminal conduct by gang members takes place, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

(b) Any action for injunction or abatement filed pursuant to • • • subdivision (a) shall proceed according to the provisions of Article 3 (commencing with Section 11570) of Chapter 10 of Division 10 of the Health and Safety Code, except that all of the following shall apply:

(1) The court shall not assess a civil penalty against any person unless that person knew or should have known of the unlawful acts.

(2) No order of eviction or closure may be entered.

(3) All injunctions issued shall be limited to those necessary to protect the health and safety of the residents or the public or those necessary to prevent further criminal activity.

(4) Suit may not be filed until 30-day notice of the unlawful use or criminal conduct has been provided to the owner by mail, return receipt requested, postage prepaid, to the last known address.

(c) No nonprofit or charitable organization which is conducting its affairs with ordinary care or skill, and no governmental entity, shall be abated pursuant to • • • subdivisions (a) and (b).

(d) Nothing in this chapter shall preclude any aggrieved person, from seeking any other remedy provided by law.

(e) (1) Any firearm, ammunition which may be used with the firearm, or any deadly or dangerous weapon which is owned or possessed by a member of a criminal street gang for the purpose of the commission of any of the offenses listed in subdivision (c) of Section 186.22, or the commission of any burglary or rape, may be confiscated by any law enforcement agency or peace officer.

(2) In those cases where a law enforcement agency believes that the return of the firearm, ammunition, or deadly weapon confiscated pursuant to this subdivision, is or will be used in criminal street gang activity or that the return of the item would be likely to result in endangering the safety of others, the law enforcement agency shall initiate a petition in the superior court to determine if the item confiscated should be returned or declared a nuisance.

(3) No firearm, ammunition, or deadly weapon shall be sold or destroyed unless reasonable notice is given to its lawful owner if his or her identity and address can be reasonably ascertained. The law enforcement agency shall inform the lawful owner, at that person's last known address by registered mail, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing and that the failure to respond shall result in a default order forfeiting the confiscated firearm, ammunition, or deadly weapon as a nuisance.

(4) If the person requests a hearing, the court clerk shall set a hearing no later than 30 days from receipt of that request. The court clerk shall notify the person, the law enforcement agency involved, and the district attorney of the date, time, and place of the hearing.

(5) At the hearing, the burden of proof is upon the law enforcement agency or peace officer to show by a preponderance of the evidence that the seized item is or will be used in criminal street gang activity or that return of the item would be likely to result in endangering the safety of others. All returns of firearms shall be subject to subdivision (d) of Section 12072.

(6) If the person does not request a hearing within 30 days of the notice or the lawful owner cannot be ascertained, the law enforcement agency may file a petition that the confiscated firearm, ammunition, or deadly weapon be declared a nuisance. If the items are declared to be a nuisance, the law enforcement agency shall dispose of the items as provided in Section 12028. (Added by Stats.1988, c. 1256, § 1. Amended by Stats.1990, c. 223 (A.B.3485), § 1; Stats.1991, c. 260 (S.B.809), § 1.)

§ 186.23. Mutual aid activities; labor organizations

This chapter does not apply to employees engaged in concerted activities for their mutual aid and protection, or the activities of labor organizations or their members or agents. (Added by Stats.1988, c. 1242, § 1; Stats.1988, c. 1256, § 1.)

§ 186.24. Severability

If any part or provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable. (Added by Stats.1988, c. 1242, § 1; Stats.1988, c. 1256, § 1.)

§ 186.25. Local laws; preemption

Nothing in this chapter shall prevent a local governing body from adopting and enforcing laws consistent with this chapter relating to gangs and gang violence. Where local laws duplicate or supplement this chapter, this chapter shall be construed as

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186.27 Duration of chapter

186.28 Firearms; supply, sell or give possession, participation in criminal street gangs

Repeal

Chapter 11 is repealed Jan. 1, 1997, by the provisions of § 186.27.

§ 186.20. Citation

This chapter shall be known and may be cited as the "California Street Terrorism Enforcement and Prevention Act." (Added by Stats.1988, c. 1242, § 1; Stats.1988, c. 1256, § 1.)

§ 186.21. Legislative findings and declaration

The Legislature hereby finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, sexual orientation, or handicap, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this chapter to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The Legislature hereby recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

The Legislature, however, further finds that the State of California is in a state of crisis which has been caused by violent street gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected. The Legislature finds that there are nearly 600 criminal street gangs operating in California, and that the number of gang-related murders is increasing. The Legislature also finds that in Los Angeles County alone there were 328 gang-related murders in 1986, and that gang homicides in 1987 have increased 80 percent over 1986. It is the intent of the Legislature in enacting this chapter to seek the eradication of criminal activity by street gangs by focusing upon patterns of criminal gang activity and upon the organized nature of street gangs, which together, are the chief source of terror created by street gangs. The Legislature further finds that an effective means of punishing and deterring the criminal activities of street gangs is through forfeiture of the profits, proceeds, and instrumentalities acquired, accumulated, or used by street gangs. (Added by Stats.1988, c. 1242, § 1; Stats.1988, c. 1256, § 1.)

§ 186.22. Participation in criminal street gang; punishment; conviction of felony; sentence enhancement; commission on or near school grounds; public offenses

(a) Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished by imprisonment in the county jail for a period not to exceed one year, or by imprisonment in the state prison for one, two, or three years.

(b) (1) Except as provided in paragraph (2), any person who is convicted of a felony which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of

that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of one, two, or three years at the court's discretion. However, if the underlying felony is committed on the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school, during hours in which the facility is open for classes or school related programs or when minors are using the facility, the additional term shall be two, three, or four years, at the court's discretion. The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentence enhancements on the record at the time of the sentencing.

(2) Any person who violates this subdivision in the commission of a felony punishable by imprisonment in the state prison for life, shall not be paroled until a minimum of 15 calendar years have been served.

(c) Any person who is convicted of a public offense punishable as a felony or a misdemeanor, which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days. If the court grants probation or suspends the execution of sentence imposed upon the defendant, it shall require as a condition thereof that the defendant serve 180 days in the county jail.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section or refuse to impose the minimum jail sentence for misdemeanors in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(e) As used in this chapter, "pattern of criminal gang activity" means the commission, attempted commission, or solicitation of two or more of the following offenses, provided at least one of those offenses occurred after the effective date of this chapter and the last of those offenses occurred within three years after a prior offense, and the offenses are committed on separate occasions, or by two or more persons:

(1) Assault with a deadly weapon or by means of force likely to produce great bodily injury, as defined in Section 245.

(2) Robbery, as defined in Chapter 4 (commencing with Section 211) of Title 8 of Part 1

(3) Unlawful homicide or manslaughter, as defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1

(4) The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances as defined in Sections 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code.

(5) Shooting at an inhabited dwelling or occupied motor vehicle, as defined in Section 246.

(6) Arson, as defined in Chapter 1 (commencing with Section 450) of Title 13

(7) The intimidation of witnesses and victims, as defined in Section 136.1

Cross References

Costs and attorney fees for prevailing party in injunction action under this article, see Civil Code §

§ 11570. Nuisance

Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog specified in this division, and every building or place wherein or upon which those acts take place, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

(Amended by Stats.1986, c. 590, § 1; Stats.1986, c. 1043, § 1.5.)

Historical Note

1986 Legislation

The 1986 amendment inserted "manufacturing" following "keeping"; substituted "any controlled substance, precursor, or analog" for "controlled substances"; substituted "those" for "such" preceding "acts"; and inserted "and for which damages may be recovered".

Amendment of this section by § 1 of Stats.1986, c. 1043, failed to become operative under the provisions of § 3 of that Act.

Effect of amendment of section by two or more acts at the same session of the legislature, see Government Code § 9603.

§ 11571. Action to abate; injunction

Whenever there is reason to believe that such a nuisance is kept, maintained or exists in any county, the district attorney of the county, in the name of the people, may, or the city attorney of any incorporated city, or any citizen of the state resident in the county, in his or her own name, may, maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

(Amended by Stats.1987, c. 1076, § 2.)

Historical Note

1987 Legislation

The 1987 amendment substituted "may, or the city attorney of any incorporated city" for "shall"; and made a nonsubstantive change.

§ 11571.5. City attorneys or city prosecutors; actions to abate nuisances

For purposes of this article, an action to abate a nuisance may be taken by the city attorney or city prosecutor of the city within which the nuisance exists, is kept, or is maintained. An action by a city attorney or city prosecutor shall be accorded the same precedence as an action maintained by the district attorney of the county.

(Added by Stats.1986, c. 182, § 1.)

§ 11572. Verification of complaint

Unless filed by the district attorney, or the city attorney of an incorporated city, the complaint in the action shall be verified.

(Amended by Stats.1987, c. 1076, § 3.)

Historical Note

1987 Legislation

The 1987 amendment inserted "or the city attorney of an incorporated city".

§ 11573.5. Prior acts or threats of violence; protection of witnesses; closure of premises; tenant assistance

(a) At the time of application for issuance of a temporary writ pursuant to Section 11573, if proof of the existence of the nuisance depends, in whole or part, upon the affidavits of witnesses who are not peace officers, upon a showing of prior threats of violence or acts of violence by any defendant or other person, the court may issue orders to protect those witnesses, including, but not limited to, nondisclosure of the name, address, or any other information which may identify those witnesses.

Additions in text are indicated by underline; deletions by asterisks * * *

HEALTH AND SAFETY CODE

to read as it now appears.

Authority are authorized to correctional facilities or training treatment that may be necessary on or habitation, to controlled Director of Corrections or the

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S.B.97), § 5, eff. Sept. 15, 1992.)

the fourth sentence deleted "con-
"substance", and inserted "abuse".
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a person's will; and made nonsub-
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ounds for believing that a person
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HEALTH AND SAFETY CODE

§ 11571

Historical and Statutory Notes

1992 Legislation

The 1992 amendment inserted "or habituated" or "or
habitation" in four places; inserted "or alcohol"; in-
serted "in accordance with procedures used to revoke

parole"; substituted "substance abuse treatment control
unit" for "controlled substance treatment control
unit" in two places; added the last paragraph relating
to placement in treatment against one's will; and made
grammatical changes.

§ 11563. Board of prison terms; order for detention of female parolee

When the * * * parole authority concludes that there are reasonable grounds for believing that a
woman on parole is addicted or habituated to, or is in imminent danger of addiction or habitation to,
controlled substances or alcohol, it may, in accordance with procedures used to revoke parole, issue
an order to detain or place the person in a * * * substance abuse treatment control unit for a period
not to exceed 90 days. The order shall be a sufficient warrant for any peace officer or employee of
the Department of Corrections to return the person to physical custody * * *. Detention pursuant
to the order shall not be deemed a suspension, cancellation, or revocation of parole until such time as
the * * * parole authority so orders pursuant to Section 3060 of the Penal Code. A parolee taken
into physical custody pursuant to Section 3060, 6043, or 6044 of the Penal Code may be detained in a
* * * substance abuse treatment control unit established pursuant to this article.

No woman on parole shall be placed in a substance abuse treatment control unit against her will.
(Amended by Stats.1992, c. 465 (A.B.1874), § 5; Stats.1992, c. 695 (S.B.97), § 6, eff. Sept. 15, 1992.)

Historical and Statutory Notes

1992 Legislation

The 1992 amendment substituted "parole authority"
for "Board of Prison Terms" throughout the section; in
the first sentence inserted "or habituated", inserted "or
habitation", inserted "or alcohol", and inserted "in
accordance with procedures used to revoke parole"; in
the first and fourth sentences, deleted "controlled"

preceding "substance", and inserted "abuse"; add-
ed the fifth sentence relating to placement and treatment
against a person's will; and made nonsubstantive
changes throughout.

Section affected by two or more acts at the same
session of the legislature, see Government Code § 9605.

§ 11564. Effect of power to detain upon power to revoke parole

The authority granted to the * * * parole authority and to the Department of the Youth Authority
in no way limits Sections 3060 and 3325 of the Penal Code.
(Amended by Stats.1992, c. 695 (S.B.97), § 7, eff. Sept. 15, 1992.)

Historical and Statutory Notes

1992 Legislation

The 1992 amendment substituted "parole authority"
for "Board of Prison Terms", and inserted "to the
department of".

§ 11565. Parole authority

For purposes of this article, "parole authority" has the same meaning as described in Section 3000
of the Penal Code.
(Added by Stats.1992, c. 695 (S.B.97), § 8, eff. Sept. 15, 1992.)

ARTICLE 3. ABATEMENT

Section

11571. Nuisance; action to abate; injunction; residential property; notice.

11571. Nuisance; action to abate; injunction.

11581. Removal and sale of property; closing of building or place; civil penalty; in lieu damages;
fair market rental value.

§ 11571. Nuisance; action to abate; injunction; residential property; notice

Text of section operative until Jan. 1, 1996.

(a) Whenever there is reason to believe that * * * a nuisance under Section 11570 is kept,
maintained, or exists in any city, county, or city and county, the district attorney of the county, in the
Additions or changes indicated by underline; deletions by asterisks * * *

§ 11571

HEALTH AND SAFETY CODE

name of the people, . . . the city attorney of any incorporated or charter city or of any city and county, or any citizen of the state residing in the city, county, or city and county, in his or her own name, may . . . maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

(b) (1) In the case of a residential dwelling, residential building, or residential place, prior to bringing or maintaining an action to abate or prevent a nuisance as prescribed in subdivision (a), the district attorney or the city attorney shall give notice to the owner of the building as shown on the last equalized assessment roll where the nuisance is alleged to exist and shall request that the nuisance be abated within a reasonable time of the receipt of the notice.

(2) The notice shall contain as enclosures documentation to establish that a nuisance exists in or upon the dwelling, building, or place.

(3) The notice shall be served on the owner by personal service or by certified mail.

(4) "Reasonable time" shall mean at least 30 days, unless a shorter time period is agreed to by the owner and the agency issuing the notice.

(5) This subdivision shall apply only to an action brought or maintained by a district attorney or city attorney.

(6) This notice shall not be required prior to bringing or maintaining an action to abate or prevent a nuisance if any one of the following circumstances exist:

(A) There is a danger to the public.

(B) The notice would impede an investigation.

(C) The district attorney or city attorney determines there is good cause to forego the notice.

(D) For purposes of this paragraph, "good cause" includes, but is not limited to, when the owner is unavailable or is evading service of process.

(E) In reviewing whether a notice should have been given under this paragraph, the court shall presume that the determination made by the issuing agency is valid.

(c) (1) If the notice identifies a particular tenant as responsible for the nuisance activity, the issuing agency shall also serve a copy of the notice and supporting documentation on that tenant.

(2) The notice shall not be required if any of the following circumstances exist:

(A) The district attorney or city attorney determines that there is good cause to forego notice. For the purposes of this subparagraph, "good cause" includes, but is not limited to, when the tenant is unavailable or is evading service of process. In reviewing a determination of good cause, the court shall presume that a determination made by the issuing agency is valid.

(B) The issuing agency provides the tenant with sufficient information to obtain a copy of the notice and supporting documentation on that tenant, in lieu of serving a copy of the notice.

(3) The issuing agency shall provide the identified tenant with the opportunity to demonstrate to the agency that the notice was issued on insufficient grounds, that the tenant has been mistakenly identified as the cause of the nuisance activity, or that a nuisance does not exist and therefore no adverse action should be taken.

(d) The failure of a district attorney or city attorney to serve a notice as required by subdivision (b) or (c) shall not be a cause for the dismissal or delay of an action filed pursuant to subdivision (a). However, the failure to give that notice without good cause may be considered by a court as a mitigating factor in its assessment of any civil penalty under Section 11581.

(e) This section shall be repealed on January 1, 1996.

(Amended by Stats. 1991, c. 572 (A.B. 894), §§ 1, 2, Stats. 1991, c. 1196 (A.B. 1755), § 7, Stats. 1992, c. 198 (A.B. 2906), § 1, eff. July 14, 1992.)

For text of section operative Jan. 1, 1996, see § 11571, post

Historical and Statutory Notes

1991 Legislation

The 1991 amendment inserted "for of any city and county".

Section 11571 was amended and added by Stats. 1991, c. 572 (A.B. 894), §§ 1, 2.

Section affected by two or more acts at the same session of the legislature, see Government Code § 9605.

1992 Legislation

The 1992 amendment rewrote the section which read

Additions or changes indicated by underline; deletions by asterisks * * *

the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

§ 11571. Nuisance;

Whenever there is county, the district at incorporated city or o her own name, may, the person conducting, upon which the nuis:

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Review of selected 1 Pac.L.J. 554 (1992).

§ 11573.5. Prior act assista

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HEALTH AND SAFETY CODE

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HEALTH AND SAFETY CODE

§ 11573.5

"Whenever there is reason to believe that such a nuisance is kept, maintained or exists in any county, the district attorney of the county, in the name of the people, may, or the city attorney of any incorporated city or of any city and county, or any citizen of the state resident in the county, in his or her own name, may,

maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance."

§ 11571. Nuisance; action to abate; injunction

Text of section operative Jan. 1, 1996.

Whenever there is reason to believe tha. such a nuisance is kept, maintained, or exists in any county, the district attorney of the county, in the name of the people, may, or the city attorney of any incorporated city or of any city and county, or any citizen of the state resident in the county, in his or her own name, may, maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

This section shall become operative on January 1, 1996.

(Added by Stats.1992, c. 198 (A.B.2906), § 2, eff. July 14, 1992, operative Jan. 1, 1996.)

For text of section operative until Jan. 1, 1996, see § 11571, ante.

Law Review Commentaries

Review of selected 1991 California legislation. 23 Pac.L.J. 554 (1992).

§ 11573.5. Prior acts or threats of violence; protection of witnesses; closure of premises; tenant assistance

(a) At the time of application for issuance of a temporary writ pursuant to Section 11573, if proof of the existence of the nuisance depends, in whole or part, upon the affidavits of witnesses who are not peace officers, upon a showing of prior threats of violence or acts of violence by any defendant or other person, the court may issue orders to protect those witnesses, including, but not limited to, nondisclosure of the name, address, or any other information which may identify those witnesses.

(b) A temporary writ issued pursuant to Section 11573 may include closure of the premises pending trial when a prior writ does not result in the abatement of the nuisance. The duration of the writ shall be within the court's discretion. In no event shall the total period of closure pending trial exceed one year. Prior to ruling on a request for closure the court may order that some or all of the rent payments owing to the defendant be placed in an escrow account for a period of up to 90 days or until the nuisance is abated. If the court subsequently orders a closure of the premises, the money in the escrow account shall be used to pay for relocation assistance pursuant to subdivision (d). In ruling upon a request for closure, whether for a defined or undefined duration, the court shall consider all of the following factors:

- (1) The extent and duration of the nuisance at the time of the request.
- (2) Prior efforts by the defendant to comply with previous court orders to abate the nuisance.
- (3) The nature and extent of any effect which the nuisance has upon other persons, such as residents or businesses.
- (4) Any effect of prior orders * * * placing displaced residents' or occupants' rent payments into an escrow account * * * upon the defendant's efforts to abate the nuisance.
- (5) The effect of granting the request upon any resident or occupant of the premises who is not named in the action, including the availability of alternative housing or relocation assistance, the pendency of any action to evict a resident or occupant, and any evidence of participation by a resident or occupant in the nuisance activity.

(c) In making an order of closure pursuant to this section, the court may order the premises vacated and may issue any other orders necessary to effectuate the closure. However, all tenants who may be affected by the order shall be provided reasonable notice and an opportunity to be heard at all hearings regarding the closure request prior to the issuance of any order.

(d) In making an order of closure pursuant to this section, the court shall order the defendant to provide relocation assistance to any tenant ordered to vacate the premises, provided the court determines that the tenant was not actively involved in the nuisance activity. The relocation assistance ordered to be paid by the defendant shall be in the amount necessary to cover moving

Additions or changes indicated by underline; deletions by asterisks * * *

costs, security deposits for utilities and comparable housing, adjustment in any lost rent, and any other reasonable expenses the court may deem fair and reasonable as a result of the court's order.

(e) At the hearing to order closure pursuant to this section, the court may make the following orders with respect to any displaced tenant not actively involved in the nuisance:

(1) Priority for senior citizens, physically handicapped persons, or persons otherwise suffering from a permanent or temporary disability for claims against money for relocation assistance.

(2) Order the local agency seeking closure pursuant to this section to make reasonable attempts to seek additional sources of funds for relocation assistance to displaced tenants, if deemed necessary.

(3) Appoint a receiver to oversee the disbursement of relocation assistance funds, whose services shall be paid from the escrow fund.

(4) Where a defendant has paid relocation assistance pursuant to subdivision (d), the escrow account under subdivision (b) may be released to the defendant and no appointment under paragraph (3) shall be made.

(f) (1) The remedies set forth pursuant to this section shall be in addition to any other existing remedies for nuisance abatement actions . . . , including, but not limited to, the following:

(A) Capital improvements to the property, such as security gates.

(B) Improved interior or exterior lighting.

(C) Security guards.

(D) Posting of signs.

(E) Owner membership in neighborhood or local merchants' associations.

(F) Attending property management training programs.

(G) Making cosmetic improvements to the property.

(2) At all stages of an action brought pursuant to this article, the court has equitable powers to order steps necessary to remedy the problem and enhance the abatement process.

(Amended by Stats.1991, c. 247 (A.B.666), § 1.)

1 So in enrolled bill.

Historical and Statutory Notes

1991 Legislation

The 1991 amendment made a nonsubstantive change and rewrote subd. (f) which had read

"The remedies set forth pursuant to this section shall be in addition to any other existing remedies for nuisance abatement actions."

Law Review Commentaries

Review of selected 1991 California legislation 23
Pac.L.J. 732 (1992).

§ 11581. Removal and sale of property; closing of dwelling, building or place; civil penalty; in lieu damages; fair market rental value

Text of section operative until Jan. 1, 1996.

(a) If the existence of the nuisance is established in the action, an order of abatement shall be entered as a part of the judgment, which order shall direct the removal from the dwelling, building, or place of all fixtures, musical instruments, and other movable property used in conducting, maintaining, aiding, or abetting the nuisance and shall direct their sale in the manner provided for the sale of chattels under execution.

(b) (1) The order shall provide for the effectual closing of the dwelling, building, or place against its use for any purpose . . . and for keeping it closed for a period of one year. This subdivision is intended to give priority to closure. Any alternative to closure may be considered only as provided in this section.

(2) In addition, the court may assess a civil penalty not to exceed twenty-five thousand dollars (\$25,000) against any or all of the defendants, based upon the severity of the nuisance and its duration.

(3) In establishing the amount of any civil penalty, the court shall consider all of the following factors:

Additions or changes indicated by underlining; deletions by asterisks * * *

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HEALTH AND SAFETY CODE

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HEALTH AND SAFETY CODE

§ 11581

(A) The actions taken by the defendant to mitigate or correct the problem at the dwelling, building, or place or the reasons why the defendants did not take any such action.

(B) The failure of a district attorney or city attorney to serve a notice as required by Section 11571.

(C) Any previous actions brought against the defendant pursuant to this article.

(D) The cost to the agency of investigating and correcting the condition.

(E) Any other factor deemed by the court to be relevant.

(c) (1) If the court finds that any vacancy resulting from closure of the building or place may create a nuisance or that closure is otherwise harmful to the community, in lieu of ordering the building or place closed, the court may order the person who is responsible for the existence of the nuisance, or the person who knowingly permits controlled substances to be unlawfully sold, served, stored, kept, or given away in or from a building or place he or she owns, to pay damages in an amount equal to the fair market rental value of the building or place for one year to the city or county in whose jurisdiction the nuisance is located for the purpose of carrying out their drug prevention and education programs. If awarded to a city, eligible programs may include those developed as a result of cooperative programs among schools, community agencies, and the local law enforcement agency. If awarded to a county, funds shall be used for those programs that are part of the drug program plan, as specified in Section 11983.2. These funds shall not be used to supplant existing city, county, state, or federal resources used for drug prevention and education programs.

(2) For purposes of this subdivision, the actual amount of rent being received for the rental of the dwelling, building, or place, or the existence of any vacancy therein, may be considered, but shall not be the sole determinant of the fair market rental value. Expert testimony may be used to determine the fair market rental value.

(d) This section shall be repealed on January 1, 1996.

(Amended by Stats.1991, c. 247 (A.B.666), § 2; Stats.1991, c. 572 (A.B.894), § 3.)

For text of section operative Jan. 1, 1996, see § 11581, post.

Historical and Statutory Notes

1991 Legislation:

The 1991 amendment inserted "dwelling" before "building, or place" in subd. (a), in par. (1) of subd. (b), and in par. (2) of subd. (c); inserted par. (3), relating to factors in civil penalties, in subd. (b); added subd. (d)

repealing the section in 1996; and made other nonsubstantive changes.

Effect of amendment of section by two or more acts at the same session of the legislature, see Government Code § 9605.

§ 11581. Removal and sale of property; closing of building or place; civil penalty; in lieu damages; fair market rental value

Text of section operative Jan. 1, 1996.

(a) If the existence of the nuisance is established in the action, an order of abatement shall be entered as a part of the judgment, which order shall direct the removal from the building or place of all fixtures, musical instruments, and other movable property used in conducting, maintaining, aiding, or abetting the nuisance and shall direct their sale in the manner provided for the sale of chattels under execution.

(b) The order shall provide for the effectual closing of the building or place against its use for any purpose, and for keeping it closed for a period of one year. This subdivision is intended to give priority to closure. Any alternative to closure may be considered only as provided in this section.

In addition, the court may assess a civil penalty not to exceed twenty-five thousand dollars (\$25,000) against any or all of the defendants, based upon the severity of the nuisance and its duration.

(c) (1) If the court finds that any vacancy resulting from closure of the building or place may create a nuisance or that closure is otherwise harmful to the community, in lieu of ordering the building or place closed, the court may order the person who is responsible for the existence of the nuisance, or the person who knowingly permits controlled substances to be unlawfully sold, served, stored, kept, or given away in or from a building or place he or she owns, to pay damages in an amount equal to the fair market rental value of the building or place for one year to the city or county in whose jurisdiction the nuisance is located for the purpose of carrying out their drug prevention and education programs. If awarded to a city, eligible programs may include those developed as a result of cooperative programs among schools, community agencies, and the local law enforcement agency. If awarded to a county, funds shall be used for those programs that are part

Additions or changes indicated by underline; deletions by asterisks * * *

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of the drug program plan, as specified in Section 11983.2. These funds shall not be used to supplant existing city, county, state, or federal resources used for drug prevention and education programs.

(2) For purposes of this subdivision, the actual amount of rent being received for the rental of the building or place, or the existence of any vacancy therein, may be considered, but shall not be the sole determinant of the fair market rental value. Expert testimony may be used to determine the fair market rental value.

(d) This section shall become operative on January 1, 1996.

(Added by Stats.1991, c. 572 (A.B.894), § 4, operative Jan. 1, 1996.)

For text of section operative until Jan. 1, 1996, see § 11581, ante.

Law Review Commentaries

Review of selected 1991 California legislation. 23
Pac.L.J. 732 (1992).

ARTICLE 4. REGISTRATION OF CONTROLLED SUBSTANCE OFFENDERS

§ 11590. Persons required to register

Notes of Decisions

Advisement 5

1. Validity

Although condition of probation requiring drug offender to register with local police or sheriff in any community in which he was domiciled intruded on defendant's right of privacy, it did not substantially burden that right; mere speculation that registration made offender more readily available to surveillance did not establish substantial burden on right of privacy. *People v. Hove* (App. 4 Dist.1992) 9 Cal.Rptr.2d 295, 7 Cal.App.4th 1003, rehearing denied, review denied.

Statute authorizing court to require known drug offenders to register with law enforcement officials in any community in which they were domiciled was rationally related to state's right to enact laws promoting public health, welfare and safety by permitting local police to keep track of the identities and locations of drug offenders in community. *People v. Hove* (App. 4 Dist.1992) 9 Cal.Rptr.2d 295, 7 Cal.App.4th 1003, rehearing denied, review denied.

5. Advisement

Counsel who represented defendant at probation revocation hearing had duty to examine validity of defendant's prior nolo contendere plea to determine whether he had been informed of registration requirements for narcotics offenders prior to entering plea, even if defendant knew about requirement prior to hearing. *People v. Cotton* (App. 1 Dist.1991) 284 Cal.Rptr. 757, 230 Cal.App.3d 1072.

Defense counsel's failure to investigate validity of defendant's prior nolo contendere plea to determine if defendant was advised of narcotics offender registration requirements did not deny defendant effective assistance at probation revocation hearing, absent showing that defense counsel did not make tactical decision to accept mitigated term of revocation, further reduced by time served, rather than face potentially longer sentence on new offense. *People v. Cotton* (App. 1 Dist.1991) 284 Cal.Rptr. 757, 230 Cal.App.3d 1072.

Where statutory registration requirement for narcotics offenders is applicable, defendant must be properly advised of it as direct consequence of conviction prior to acceptance of guilty or nolo contendere plea. *People v. Cotton* (App. 1 Dist.1991) 284 Cal.Rptr. 757, 230 Cal.App.3d 1072.

CHAPTER 11. EDUCATION PROGRAMS

§ 11605. Biennial survey of drug and alcohol use among pupils in grades 7, 9, and 11

Cross References

Reports to Legislature or Governor, moratorium, statutory exceptions, see Government Code § 7530.5

CHAPTER 12. CLANDESTINE LABORATORY ENFORCEMENT PROGRAM

§ 11642. Reimbursement to counties for costs of prosecutions, law enforcement personnel expenses, and to remove and dispose of toxic waste

(a) To the extent moneys are available therefor, the Controller, in accordance with criteria and procedures which shall be adopted by the Department of Justice, may reimburse counties with a population under 1,750,000 for costs of prosecuting violations, attempts to violate, or conspiracies to violate Section 11100, 11100.1, 11104, 11105, 11379.6, or 11383 initiated after January 1, 1987. Funding under this subdivision shall not exceed twenty-five thousand dollars (\$25,000) for each prosecution or joint prosecution assisted. All funds allocated to a county under this subdivision shall

Additions or changes indicated by underline; deletions by asterisks * * *

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be distributed by it only to its prosecution of these offenses. From any local funds that would, in the prosecutorial efforts of counties.

Cases wholly financed or reimbursed limited to, the Asset Forfeiture Program Law (Section 13881 of the Penal Code (Section 13851 of the Penal Code).

(b) To the extent moneys are available procedures which shall be adopted population under 1,750,000 for law dollars (\$10,000) per case, incur conspiracies to violate Section 11100 1, 1987. All funds allocated to a local law enforcement agency to be used distributed under this subdivision in absence of this subdivision, be made Cases financed or reimbursed under the Asset Forfeiture Program, (Section 13851 of the Penal Code), or not be entitled to reimbursement un

(c) (1) To the extent moneys are available procedures which shall be adopted population under 1,750,000 for costs of agencies to remove and dispose of unlawful manufacture of a controlled

(2) The local law enforcement agency within 24 hours of the seizure of a substance. The local health officer:

(A) Make a determination as to w safety, and if so, shall undertake im

(B) Notify the State Department of

As used in this section, "counties" 1,750,000.

The Department of Justice may adopt Administrative Procedure Act.¹

(Amended by Gov.Reorg.Plan No. 1 § 1.)

¹ Government Code § 11370 et seq.

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1991 Legislation
Effective date of Governor's Reorganization of 1991, dated May 17, 1991, see Gov.

§ 11647. Crank-up task force program

(a) The Crank-Up Task Force Program of the Clandestine Laboratory Enforcement, supporting, and coordinating crank-up agencies targeting the investigation of manufacture methamphetamine.

(b) The department shall coordinate the Crank-Up Task Force Program within the jurisdictions involved. Federal agencies with task force inve

The department's Bureau of Narcotics * * * Investigations shall provide s

Additions or changes indicated